

**ENTERED**

June 01, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**JOSE CAMACHO,  
"Plaintiff,"

v.

HEBER DUARTE TORRES, et al...,  
"Defendants."§  
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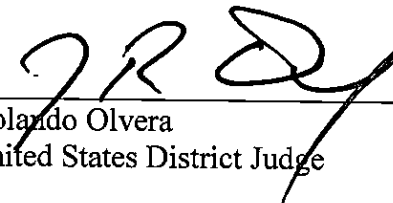
Civil Action No. 1:21-cv-00146

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 200). The R&R recommends this Court (1) grant Defendant Fidelity Brokerage Services, LLC's ("Defendant Fidelity") "Motion to Dismiss Under Rule 12(b)(1) or 12(b)(3), and In the Alternative, Motion to Dismiss Under Rule 12(b)(6)" ("MTD") (Dkt. No. 62); (2) dismiss Plaintiff's claims against Defendant Fidelity with prejudice; and (3) direct the Clerk of the Court to remove Defendant Fidelity. Dkt. No. 200.

Objections were due May 10, 2023. No objections were filed by either party. If there have been no objections to the magistrate's ruling, then the appropriate standard of review is "clearly erroneous, abuse of discretion and contrary to law." *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R (Dkt. No. 200) is **ADOPTED**.

Defendant Fidelity's MTD (Dkt. No. 62) is **GRANTED**. Plaintiff's claims against Defendant Fidelity are **DISMISSED with prejudice**. The Clerk of the Court is **ORDERED** to remove Defendant Fidelity from this case.

Signed on this 1<sup>st</sup> day of June, 2023.
  
 Rolando Olvera  
 United States District Judge